

Child and Adult Care Food Program Day Care Homes Handbook

Chapter 10—Civil Rights

You are responsible for ensuring that all persons have equal access to the program. You cannot discriminate in employment or program participation based on:

- race;
- age;
- sex;
- color;
- disability;
- national origin

You must strictly adhere to and enforce the provisions of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA).

Public Notification

As part of your public notification responsibilities, you must:

- display the official USDA nondiscrimination poster ("...And Justice For All") in a prominent place (including providers);
- make program information available to the public upon request;
- be able to provide information materials related to the day care homes in languages other than English, if the need exists; and
- provide the following nondiscrimination statement and complaint-filing procedures in all applications and program-related information intended for the parents of current and potential participants.

USDA Non-Discrimination Statement – Long Form

The following is the official USDA non-discrimination statement for Indiana:

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

It is the policy of the Indiana Department of Education not to discriminate on the basis of race, color, religion, sex, national origin, age, or disability, in its programs, activities, or employment policies as required by the Indiana Civil Rights Laws (I.C. 22-9-1), Title VI and VII (Civil Rights Act of 1964), the Equal Pay Act of 1973, Title IX (Educational Amendments), Section 504 (Rehabilitation Act of 1973), and the Americans with Disabilities Act (42 USCS § 12101,et.seq.).

Inquiries regarding compliance by the Indiana Department of Education with Title IX and other civil rights laws may be directed to the Human Resources Director, Indiana Department of Education, 151 West Ohio Street, Indianapolis, IN 46204, or by telephone to 317-232-6610, or the Director of the Office for Civil Rights, U.S. Department of Education, 111 North Canal Street, Suite 1053, Chicago, IL 60606-7204
-Glenda Ritz, Superintendent of Public Instruction.

USDA Non-Discrimination Statement – Short Form

Material that is one page or less (front and back-sided is considered one page) *and* is too small to include the full non-discrimination statement may use the following abbreviated statement:

“The USDA and the State of Indiana are equal opportunity providers and employers.”

You must supply program-related written materials to your providers with the nondiscrimination statement and complaint-filing procedures included. Providers must supply these materials to all current and potential program participants.

Note: When human likenesses are used in program materials, reasonable efforts must be made to depict an ethnic balance.

Data Collection and Maintenance

You must determine the number of actual beneficiaries by racial/ethnic categories that are currently enrolled in the program. You must also determine the estimated number of potentially eligible beneficiaries by racial/ethnic category. Racial/ethnic categories include the following: White, Black or African American, American Indian or Alaska Native, Asian, Hispanic or Latino, and Native Hawaiian or other Pacific Islanders. Children of multiple ethnic categories should be categorized according to appearance or the group with which they mainly identify.

The State Agency recommends that sponsors of family day care homes also collect data on the number of active providers by racial/ethnic category.

After collecting this data, you must:

- maintain the original data by individual provider with documentation of the sources and methods by which it was obtained;
- maintain the data and relevant documentation according to the record keeping requirements; and
- establish safeguards to protect the confidentiality of the data.

Compliance Reviews

Compliance reviews help to ensure that civil rights requirements are fulfilled at each level of program administration, including the application approval process and the federal and state monitoring efforts.

The State Agency (SA) will determine whether you and your providers comply with civil rights requirements before we approve your application to participate. We determine your compliance by examining the pre-award compliance review that you complete as part of your initial application. During administrative reviews, we will also evaluate compliance with civil rights requirements.

Training

Members of your administrative staff must be trained in all aspects of civil rights and you must ensure that all of your providers are trained in civil rights requirements. This is an annual requirement.

Complaints

You and each of your providers must have procedures for processing complaints. Your staff and providers must be able to provide documentation of the procedures and an explanation of the complaint process. If a complaint is filed with you or one of your providers, you must forward it to the State Agency within three days.

During the complaint process, we will seek your voluntary compliance within 60 days of a complaint's initial filing. We will document recommendations for, and the achievement of, voluntary compliance. If you fail to voluntarily comply within the prescribed 60-day period, we will report the complaint to the regional office of USDA.

Program Accessibility

The CACFP, when viewed in its entirety, must be accessible to and usable by disabled persons, including persons with impaired vision or hearing. You are not required to make every part of existing day care homes physically accessible to disabled persons, but you must ensure that your programs in those day care homes are accessible. Providers must offer the most integrated setting possible to enable disabled persons to fully benefit from the program.

Food Services

Each provider must serve special meals without additional charge to children whose disability restricts their diet.